

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of October 15, 2009 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 14-1437.

#### **Claim Rejections – 35 USC § 101**

Claims 1, 5-6, 26-30, 38-39, and 41 were rejected under 35 U.S.C. § 101 because it was asserted that the claimed invention is directed to non-statutory subject matter.

More specifically, Claims 1, 5-6, 38, and 41 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. It was asserted that the claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter.

Although Applicants disagree, independent method Claim 1 has been amended to recite configuring a computer system into a particular machine or apparatus to carry out the claimed method steps. Therefore, the claimed method steps are positively tied to a particular machine or apparatus, namely a specifically configured computer system.

In addition, Applicants submit that a person of ordinary skill in the art would readily appreciate that practicable embodiments of the claimed invention would be conducted with the aid of a computing machine, such as a server. Such computing machines are commonly understood to have memory. Further, the operations recited in the claims clearly change the state of the underlying data since the cache, register, or other memory on which the data is stored must be transformed to have a different magnetic polarity, electrical charge, or the like depending on the technology that is used. These are real physical changes. Further, memory is a real physical article. As such,

Applicants submit that the method claims perform a transformation under the “machine or transformation” test and thus qualify as patent-eligible subject matter.

Regarding Claims 26-30 and 39, it was asserted that the use of the word system does not inherently mean that the claim is directed to a machine; only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or a combination of devices to be machine within the meaning of 101.

It is noted that the system as claimed comprises a computer functioning as a service register within a service environment, a computer functioning as an application server, and a gateway between the application server and the service environment. The computers and the gateway are believed to be physical devices within the meaning of 101. Nevertheless, independent system Claim 26 has been amended to specifically recite at least one memory and at least one processor, which are clearly physical devices. Therefore, Claim 26 clearly recites a machine within the meaning of 101.

#### **Allowable Subject Matter**

Applicants acknowledge and appreciate that Claims 32, 35, 36, and 40 are allowed.

Since independent method and system Claims 1 and 26 contain corresponding limitations of allowed independent machine-readable storage Claim 32, Claims 1 and 26 are believed to be allowable. Since each of the remaining claims depends from Claims 1 or 26 while reciting additional features, Applicants further respectfully submit that the remaining claims are likewise allowable.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

NOVAK DRUCE + QUIGG

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/Gregory A. Nelson/

Gregory A. Nelson, Registration No. 30,577

Yonghong Chen, Registration No. 56,150

Customer No. 40987

525 Okeechobee Blvd., 15<sup>th</sup> Floor

West Palm Beach, FL 33401

Telephone: (561) 838-5229